

## Message Text

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PAGE 01 STATE 270356

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TO AMEMBASSY MEXICO NIACT IMMEDIATE

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E.O. 11652: N/A

TAGS: CASC(AMERICAN ARRESTEES IN MEXICO)

SUBJECT: W/W TEXT OF CONGRESSMAN FORTNEY H. STARK, JR. DTD.

DEC. 9, 1974 QUOTE:

MY OFFICE IS CURRENTLY INVESTIGATING SERIOUS ALLEGATIONS RELATING TO THE TREATMENT RECEIVED BY AMERICANS ARRESTED IN MEXICO. THE DETAILED AND DOCUMENTED EVIDENCE I HAVE RECEIVED INDICATES THAT AMERICANS ARRESTED AND INCARCERATED IN MEXICO ARE DENIED THEIR LEGAL RIGHTS, ARE TREATED IN A DISCRIMINATORY AND INHUMANE MANNER BY THE MEXICAN COURTS AND PENAL INSTITUTIONS, AND ARE (ALONG WITH THEIR FAMILIES AND FRIENDS IN THIS COUNTRY) SUBJECTED TO EXPENSIVE EXTORTION DEMANDS FROM ATTORNEYS, COURT OFFICIALS AND PRISON PERSONNEL.

AS DISTURBING AND SERIOUS AS THESE ALLEGATIONS ARE, THERE IS YET ANOTHER PATTERN OF BEHAVIOR WHICH I FIND EVEN MORE INEXCUSABLE--THE ROLE PLAYED BY THE U.S. EMBASSY IN THIS SORDID AFFAIR.

THE EMBASSY OFFICIALS IN MEXICO ARE AWARE OF THE PLIGHT OF AMERICANS ARRESTED IN THAT COUNTRY. THEY ARE AWARE OF:

--THE TORTURE USED DURING INTERROGATION SESSIONS

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PAGE 02 STATE 270356

--U.S. DRUG ENFORCEMENT AGENCY AGENTS BEING PRESENT DURING

THESE INTERROGATIONS

--REPEATED VIOLATIONS OF MEXICAN LEGAL PROCEDURES IN  
CASES INVOLVING AMERICANS  
--UNETHICAL ATTORNEYS WHO CONTACT FAMILIES AND FRIENDS OF  
ARRESTED AMERICANS AND SUCCESSFULLY EXPLOIT THESE  
PEOPLE FOR THOUSANDS OF DOLLARS (AT TIMES EVEN USING THE  
EMBASSY ITSELF AS A REFERENCE)  
--THE TREATMENT AND EXTORTION THAT CONSTITUTES "PRISON  
LIFE" FOR THESE AMERICANS

THE EMBASSY OFFICIALS ARE AWARE OF ALL THIS AND YET THEY  
FAIL TO TAKE ACTION TO BRING THIS DESPICABLE TREATMENT TO  
AN END.

AMERICANS ARRESTED IN MEXICO ARE INITIALLY TOLD THEY HAVE  
NO RIGHTS AND THAT EVEN THE U.S. EMBASSY IS UNCONCERNED  
WITH THEIR SITUATION. THE ACTIONS AND INACTION OF THE .  
EMBASSY WOULD TEND TO SUPPORT THAT POSITION. THE EMBASSY  
FAILS TO INSURE THAT ARRESTED AMERICANS ARE ALLOWED TO  
IMMEDIATELY CONTACT THEIR FAMILIES, THEIR ATTORNEYS, OR  
EVEN THE EMBASSY ITSELF. THE EMBASSY HAS FAILED TO  
EFFECTIVELY PROTEST AND CORRECT THE INTERROGATION  
PROCEDURE WHICH OFTEN INCLUDES TORTURE, FORCED  
CONFESSIONS AND UNKNOWING SELF-INCRIMINATION.

LITTLE EFFORT IS MADE BY THE EMBASSY TO CONTACT EITHER  
THE ARRESTED AMERICAN OR HIS OR HER FAMILY IN THIS COUNTRY.  
FREQUENTLY, DAYS OR EVEN WEEKS WILL PASS BEFORE AN EMBASSY  
OFFICIAL ACTUALLY SEES THE PRISONER AND EVEN THEN THERE  
APPEARS TO BE A PRESUMPTION OF THE INDIVIDUAL'S GUILT  
WHICH IS REFLECTED IN THE EMBASSY'S UNWILLINGNESS TO  
ASSIST. IN MANY CASES, THE EMBASSY HAS NEVER CONTACTED  
FAMILIES IN THIS COUNTRY TO NOTIFY THEM OF THEIR RELATIVES  
ARREST.

AFTER THIS DISPLAY OF DISINTEREST AND INSENSITIVITY BY THE  
EMBASSY IT IS NOT SURPRISING TO FIND THAT THE AMERICANS  
INVOLVED SOON BECOME HIGHLY VULNERABLE TO DISCRIMINATION

IN NO WAY DO I CONDONE THE TRAFFICKING, SELLING OR USE OF  
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PAGE 03 STATE 270356

ILLEGAL DRUGS. IF THESE INDIVIDUALS ARE GUILTY OF CRIMES,  
I BELIEVE THEY SHOULD BE SUBJECTED TO THE JUDICIAL SYSTEM  
IN EITHER THIS COUNTRY OR MEXICO. AS A MEMBER OF THE  
HOUSE'S SPECIAL SUBCOMMITTEE ON INTERNATIONAL NARCOTICS  
TRAFFIC , I STRONGLY SUPPORT THE INTERNATIONAL EFFORTS TO

REDUCE AND HOPEFULLY ONE DAY ELIMINATE THE FLOW OF  
NARCOTICS INTO THIS COUNTRY. HOWEVER, IN OUR ZEALOUS

ATTEMPTS TO COMBAT NARCOTICS TRAFFIC , WE MUST CONTINUE TO INSURE AND PROTECT THE RIGHTS OF ALL INDIVIDUALS INVOLVED. I WILL VIGOROUSLY SUPPORT COOPERATIVE EFFORTS BETWEEN THIS COUNTRY AND MEXICO, BUT IT CANNOT BE THE POLICY OF THIS GOVERNMENT TO SUBJECT OUR CITIZENS, EVEN IF THEY ARE GUILTY OF A CRIME, TO THE ABUSIVE CARE AND TREATMENT CURRENTLY GOING ON IN MEXICO.

THE ISSUE HERE IS NOT DRUGS. THE ISSUE IS JUSTICE AND THE ROLE OF THE U.S. EMBASSY. THE EMBASSY HAS FAILED IN ITS RESPONSIBILITY TO AMERICANS CITIZENS. THE EMBASSY APPEARS TO BE ACTING ON BEHALF OF AND TO THE FINANCIAL BETTERMENT OF A HANDFUL OF MEXICAN AND U.S. ATTORNEYS, OFFICIALS AND INDIVIDUALS RATHER THAN IN THE BEST INTEREST OF THE AMERICANS INVOLVED.

IT IS LIKELY THAT THE APPROPRIATE CONGRESSIONAL COMMITTEES WILL BEGIN AN INVESTIGATION OF THE U.S. EMBASSY'S OPERATIONS AND POLICY IN MEXICO. I WOULD HOPE THAT IN ADDITION TO AND IN COORDINATION WITH ANY ACTIONS CONGRESS DECIDES ARE NECESSARY, YOU WILL INITIATE A PROMPT "IN-HOUSE, REVIEW AND BEGIN CORRECTIVE MEASURES WITHIN THE DEPARTMENT OF STATE.

OBVIOUSLY, A NEW EMBASSY POLICY REGARDING AMERICANS ARRESTED IN MEXICO IS IN ORDER. I URGE THAT YOU ANALYZE THE DEPARTMENT OF DEFENSE LEGAL ASSISTANCE PROGRAM FOR ARMED SERVICES PERSONNEL ARRESTED IN FOREIGN COUNTRIES. THIS EXCELLENT AND COMPREHENSIVE PROGRAM FROM ANOTHER GOVERNMENT DEPARTMENT COULD SERVE AS A MODEL FOR THE DEPARTMENT OF STATE.

A NEW LEGAL ASSISTANCE POLICY WILL HELP INSURE FUTURE  
UNCLASSIFIED

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PAGE 04 STATE 270356

PROTECTION FOR AMERICANS. HOWEVER, IT IS EQUALLY IMPORTANT THAT SOME STEPS BE TAKEN IMMEDIATELY REGARDING THOSE ALREADY INCARCERATED.

THERE ARE SEVERAL ACCEPTABLE ALTERNATIVES AVAILABLE. AT THE VERY LEAST, THE EMBASSY MUST BEGIN A REVIEW OF EVERY CASE IN WHICH AN AMERICAN MAY HAVE BEEN DENIED HIS OR HER LEGAL RIGHTS. IN THOSE CASES WHERE VIOLATIONS ARE FOUND, A NEW TRIAL OR AN IMMEDIATE DISMISSAL OF CHARGES MUST BE INSISTED UPON BY THE EMBASSY.

THE GROSS INJUSTICE AND INHUMANE SUFFERING WHICH THESE AMERICANS HAVE GONE THROUGH (FOR WHICH THE U.S. EMBASSY IS AT LEAST INDIRECTLY RESPONSIBLE) MAY NECESSITATE EVEN STRONGER ACTION. A MASS DEPORTATION PROCEDURE WHEREBY

THESE PEOPLE WILL BE BROUGHT TO THIS COUNTRY TO STAND TRIAL AND/OR SERVE THEIR TIME MAY BE THE MOST DESIRABLE AND HUMANE COURSE OF ACTION WE CAN TAKE. FOR MANY OF THESE FAMILIES THERE HAVE BEEN MONTHS, EVEN YEARS OF SUFFERING AND DESPAIR AS THEY DISCOVERED THEIR OWN GOVERNMENT UNWILLING TO AID THEM. THEY DESERVE AND I DEMAND A DEFINITIVE CORRECTIVE POLICY BE INSTITUTED BY CHRISTMAS.

DETAILED AND DOCUMENTED EVIDENCE OF APPROXIMATELY 100 CASES COLLECTED BY MY STAFF SERVE AS THE BASIS FOR MY CONCERN. WHILE I HAVE THE NAMES OF PRESENT AND PAST EMBASSY OFFICIALS WHOSE INEPTITUDE PERMITTED THIS TRAGIC CONDITION TO EXIST, I SEE NO BENEFIT IN TRYING TO ESTABLISH "FAULT."

WHAT IS NEEDED IS CORRECTION AND A NEW POLICY SO THAT THIS TYPE OF SITUATION DOES NOT OCCUR AGAIN. I WILL BE PLEASED TO WORK WITH YOUR DEPARTMENT TO DISCUSS EXCHANGING INFORMATION, DATA AND ALTERNATIVE SOLUTIONS.

YOUR VERY PROMPT ATTENTION AND RESPONSE TO THIS LETTER WILL BE EXPECTED AND APPRECIATED. UNQUOTE. INGERSOLL

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